

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Define the Process for a Municipality To Secede from a County

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRS c. 113, sub-c. 3 is enacted to read:

SUBCHAPTER 3

SECESSION BY municipality FROM COUNTY

§ 2174. Secession by a municipality from a county

This subchapter establishes a process by which a municipality may secede from one county and join another. The municipality must share a political subdivision border with both counties.

§ 2175. Initiation of procedure

1. Petition. Upon receipt of a petition that seeks to have a municipality secede from one county and join another county signed by 10% of the number of voters in the municipality who voted at the last gubernatorial election, the municipal officers shall call, advertise and hold a public hearing at least 14 days and no more than 30 days after certifying the petition. The municipal officers shall publish notice of the public hearing in a newspaper of general circulation in the area. One notice must be published as close as possible to the 14th day before the hearing and a 2nd notice must be published as close as possible to the 7th day before the hearing.

A. The purpose of the public hearing under this section is to allow municipal residents and officers to discuss secession. The public hearing must include a formal presentation by those initiating the petition that must include a description of the problems that have led to the secession effort. Attendees shall discuss the problems, potential solutions other than secession and the potential impact of secession on the municipality and the county from which the municipality is seceding. The persons initiating the petition shall submit a written report at the public hearing that describes the impact of the proposed secession on property taxes in the county from which the municipality is seceding as well as in the municipality.

B. The petition under this section must be approved by secret ballot by a 2/3 vote of the voters present and voting before municipal officers may call for a local referendum.

2. Question. No later than 90 days after the petition under this section is approved by the public hearing, municipal officers must call for a local referendum. The question to be voted on must be in substantially the following form:

"Be it resolved that the voters of X (municipality) seek approval of the Legislature for X (municipality) to secede from the County of X and join the County of Y. Following legislative approval, a countywide referendum is required before final secession is authorized. Do you support X (municipality) seeking the approval of the Legislature for X (municipality) to secede from the County of X?"

Yes No"

3. Approval. If the voters approve the question under subsection 2 by a majority vote of those voting and present, then the rest of the secession process set forth in this subchapter applies.

§ 2176. Legislative approval of secession

Upon a majority approval of the local referendum under section 2175, the municipality shall seek and, in order to secede, must receive approval from the Legislature for the proposed secession.

§ 2177. County approval of secession

Upon approval of the Legislature, both the county from which the municipality is seceding and the county that the municipality is joining under this subchapter shall hold a referendum vote during the next scheduled regular election. Both counties must agree by a majority vote in favor of secession. The question to be voted on must be in substantially the following form:

"Be it resolved that the voters of X (municipality) seek approval of the County of X and the County of Y to secede from the County of X and join the County of Y. Do you support X (municipality) seceding from the County of X and joining the County of Y and the paying of the municipality's share of debts owed to the County of X?"

Yes No"

§ 2178. Cost of referenda

The municipality petitioning to secede shall bear the expense of the 2 countywide referenda under section 2177.

§ 2179. Debt service of county

The municipality seceding under this subchapter must continue to pay the municipality's share of the debt service to the county from which the municipality is seceding. The time period for which the amount of debt service can be paid must be agreed upon between the municipality seceding and the county from which the municipality is seceding. Payment may not extend longer than the time in which the voters authorized the debt to be borne.

SUMMARY

SP0656, LD 1840, item 1, 123rd Maine State Legislature
An Act To Define the Process for a Municipality To Secede from a County

This bill establishes a process by which a municipality may secede from one county and join another.